



Appeal Decision

Site visit made on 27 May 2025

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

Appeal Ref: APP/P4605/W/24/3357428

61 Portland Road, Edgbaston, Birmingham B16 9HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Arran Kandola against the decision of Birmingham City Council.
 - The application Ref is 2024/02105/PA.
 - The development proposed is described as the conversion of 5 bedroom house to 4 No.1-bedroom apartments and two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a 5-bedroom house to 4 No. 1-bedroom apartments and two storey rear extension at 61 Portland Road, Edgbaston, Birmingham B16 9HS in accordance with the terms of the application, Ref 2024/02105/PA, and subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans referenced:

Groundsure Location Plan (dated 22/02/24)

JMD 824-01 – Existing Plans and Elevations

JMD 824-02 – Proposed Plans and Elevations

JMD 824-03 – Existing Block Plan

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

- 4) The development shall not be occupied until a package of highway measures have been agreed with the Local Planning and Highway Authorities. All necessary consents, licenses, permits or agreements shall have been completed or obtained in respect of such measures. The package of measures shall include the existing footway crossing to be widened to departmental standards at the applicant's expense. The development shall not be occupied until all such measures have been substantially completed in accordance with the approved details.

- 5) Before the development hereby approved is first occupied, a detailed site plan shall be submitted to the Local Planning Authority for approval. The site plan shall include:

- Details of all existing and new boundary treatments;
- Details of the proposed parking arrangements;
- Details of a pedestrian visibility splay of 3.3m x 3.3 m at the site access;
- Details of facilities for the storage of refuse.

The development shall be completed in accordance with the approved details prior to first occupation and shall be retained thereafter.

Preliminary Matters

2. On my site visit I observed that an extension to the building had commenced to the rear of the property. This was positioned in the same location to that of the proposed two-storey rear extension which forms part of this appeal. I have subsequently been provided with evidence from the parties that planning permission has been granted for a two-storey extension along with other works¹ at the site. The approved extension is of the same position and scale, as the appeal proposals. Notwithstanding this, the development is not complete and I have considered the appeal based on the plans provided.

Main Issue

3. The main issue is the effect of the development on the existing housing stock.

Reasons

4. 61 Portland Road is a large, two-storey semi-detached dwelling which is located within a predominantly residential area. The existing floor plans² indicate that the dwelling has 5 bedrooms. The surrounding street comprises a mix of dwelling type and designs, although there appears to be a high prevalence of large family dwellings in the area.
5. The Council's concern is that the development would result in the loss of a family dwelling, for which there is a shortage and evidenced demand for in the city. It considers that there is no justification to demonstrate a lack of demand for a dwelling of this nature, or a need for the proposed one-bedroom flats in this location.
6. Policy DM12 of the Development Management in Birmingham Development Plan Document (the DPD) is supportive of residential conversions provided that the development satisfies a number of criteria. Having regard to the main issue the Council relies on a single criterion of DM12 (criterion e.). This states that a development will be supported provided that it does *"not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies"*.
7. The justification to DM12, at 4.34, states that *"favourable consideration will not normally be given to the sub division of single dwellinghouses with 3 or less bedrooms into smaller dwelling units"*. The appeal dwelling is large and, with 5 bedrooms, does not fall into the category of being a smaller dwelling which may be

¹ 2024/07888/PA

² JMD 824-01

unsuitable for redevelopment. Therefore, in the first instance, the dwelling is of a scale which can be considered to be appropriate for subdivision.

8. However, paragraph 4.35 observes that the 2013 Strategic Housing Market Assessment (SHMA) indicates that there is a city-wide need for dwellings of 3 or more bedrooms. This goes on to say that *“where there are particular shortages of large family accommodation, the City Council will be sensitive to any such need when considering proposals for flat conversions”*. It is this need upon which the Council rely in its reason for refusal.
9. Policy TP30 of the Birmingham Development Plan – Planning for Sustainable Growth (2017) (the BDP) states that provision of new housing stock should seek to deliver a range of dwellings which meet local needs and support the creation of mixed, balanced, and sustainable neighbourhoods. This goes on to state that account will be taken of *“the Strategic Housing Market Assessment (or any subsequent revision); detailed Local Housing Market Assessments (where applicable); current and future demographic profiles; locality and ability of the site to accommodate a mix of housing; and, market signals and local housing market trends”*.
10. The Housing and Economic Development Needs Assessment (2022) (the HEDNA) provides a more up to date assessment of housing needs in the city compared to the 2013 SHMA. I have not been presented with any subsequent annual monitoring reports which detail housing delivery since the HEDNA was published. Having regard to Policy TP30, in the absence of any further updated information, I consider the content of the HEDNA to be a material consideration in the determination of this appeal.
11. The HEDNA confirms that, between 2011 and 2020, 69% of dwellings delivered in Birmingham have been in the form of one- and two-bedroom dwellings. Furthermore, the HEDNA confirms that less than 3,000 dwellings with four or more bedrooms have been built across the city. As such, the evidence from the HEDNA suggests that the Council is under performing in its delivery of larger accommodation while, it is understood, it is exceeding targets for small households.
12. The HEDNA also carries out some analysis of the sub-areas within the city. The appeal site is located within the Edgbaston sub-area. At paragraph 3.29, the HEDNA identifies that Edgbaston has a high number of one-bedroom flats. The Council highlight that the need for one-bedroom properties in Edgbaston represents 7% of the overall housing requirement in the sub-area. This is compared to an 18% requirement for 4+ bed properties. It can be concluded from the HEDNA that there is a considerable need for larger dwellings and that there has been a high delivery of smaller units of accommodation. These conclusions appear to apply to both the administrative area as a whole and the Edgbaston sub area.
13. Policy TP30 supports that more localised considerations and evidence can be taken account of when considering housing mix. The appellant, within their Statement of Case, have included a Local Housing Needs Assessment (LHNA). This assessment considers local market trends, affordability and includes a local demographic analysis within smaller areas of the Edgbaston sub-area.
14. The LHNA assesses market trends, from September 2021 to September 2024, in the post code area of the appeal site (B16). This indicates that over this period

there has been a decline in the amount of time that flats, and one-bedroom properties have been on the market. Whilst not definitive, this decline is one indicator that there may be a recent increase in demand for one-bedroom flats in the B16 post code area.

15. In considering affordability, the LHNA concludes that the private rented sector in Birmingham is the second least affordable local authority area in the West Midlands region. Private rent for one-bedroom properties have increased by 66% (47% lower quartile) over a 10-year period. This is compared to 44% (35% lower quartile) in England, and 40% (32% lower quartile) in the West Midlands. It can be concluded that, amongst other factors, the increase in rents is indicative of greater demand for such accommodation. However, this position does appear to be a city-wide position rather than drawing any "local" conclusions. Nonetheless, it is data which indicates a continued demand for one-bedroom flats in the area.
16. The demographic analysis covers the Middle Super Output Area (MSOA) in which the appeal site is located. The LHNA confirms that a MSOA is a geographic area which typically covers 2000-6000 households. It is understood that there are 135 MSOA's in the administrative area. The demographic analysis looks at trends within the MSOA between 2011 and 2021 which is based on scrutiny of Census indicators.
17. The demographic analysis makes a number of observations for the MSOA. This shows that there has been a population decline in the 19-29 age group (-17%), and a decline in the Household Reference Persons³ in those aged under 35 (-13% in those aged under 24, and -21% in those aged between 25 and 34). I agree that those seeking a one-bedroom property are more likely to fall within persons aged below 35. The analysis indicates that 33% of people living in the study area live in a household with 3 or more adults. This indicates a number of concealed households, and a potential lack of smaller accommodation within the study area.
18. The analysis also indicates that there has been a 3% increase in one-bedroom households in MSOA over the study period, compared to an 8% increase in Birmingham as a whole. The wider city area has therefore seen a greater increase in one-bedroom properties compared to the study area.
19. The evidence within the LHMA is robust and sets appropriate study areas which are proportionate to the scale of the development proposed. The information and analysis appear to be based on the most up to date information available at the time, and cover periods of time which enable reasoned assessments and conclusions to be drawn. I have not been presented with any evidence which would lead me to conclude that the findings are unreliable and not representative for the local area. Therefore, the LHMA is sufficient to demonstrate that there is likely to be some demand for smaller accommodation to be provided within the study areas considered. The appeal scheme, comprising four one-bedroom units, would contribute towards meeting this demand. Having regard to all the evidence before me, I am not persuaded that the loss of a single family dwelling in this location would undermine the Councils strategic objectives.

³ Paragraph 3.76 of the Appellants statement of case defines these as "the householder, who is the household member who owns the accommodation; is legally responsible for the rent; or occupies the accommodation as reward of their employment, or through some relationship to its owner who is not a member of the household. If there are joint householders, the one with the highest income is the HRP. If their income is the same, then the eldest one is the HRP".

20. Notwithstanding the statistical information provided, I have also had regard to the context of the site and nature of the area. The immediate neighbourhood in which the appeal building is located comprises a mix of dwelling types, although there would appear to be a very high proportion of larger detached or semi-detached dwellings. While there is some evidence of flat accommodation in the area (including 54 and 54A Portland Road), it appears that these represent only a small quantity of the overall housing stock in this particular area. I have not been provided with any evidence to indicate that there has been a high level of conversions from family sized dwellings to smaller units in this area. This neighbourhood therefore appears to be one which retains a high proportion of family accommodation.
21. In this context, the delivery of 4 one-bedroom dwellings would help to provide a greater mix of dwelling types in the area. This, albeit in a small way, would help to support the creation of a mixed, balanced and sustainable neighbourhood. This is also a policy objective of the Council as outlined in policies PG3 and TP35 of the BDP. The development would also represent an efficient use of a previously developed site and could be provided without undermining the character of the area.
22. For the above reasons, I conclude that the development would not have a harmful effect on existing housing stock. Therefore, the development complies with Policies PG3, TP30 and TP35 of the BDP. Together, amongst other things, these support development which contribute towards the creation of sustainable neighbourhoods through the provision of a wide mix of dwelling types. The development also complies with Policy DM12 of the DPD which supports the conversion and subdivision of existing households to provide self-contained dwellings.

Other Matters

23. I have had regard to the third-party representations which have been received. These include concerns regarding the main issue, which I have covered above. Other matters raised include the effect of the development on the character of the area; the setting of a nearby conservation area; insufficient parking/bin storage; the use of the building as a HMO; crime; and rubbish/fly-tipping.
24. The Council have assessed the development in regard of design, the setting of the conservation area; and highways impacts, and have raised no specific concerns. Given the modest scale of the development, the size of the plot and its relationship with neighbouring properties I have no reason to disagree with their conclusions on these matters.
25. Matters regarding an alternative use of the building is not a matter for me to consider. I have determined the appeal based on what is proposed. With regard to crime, I note that West Midlands Police raise no objection to the development subject to advisories. As such, there is nothing before me which leads me to believe that the proposed use of the site would lead to crime issues in the area. With regard to rubbish, a condition requiring the provision of refuse storage would ensure that there is on site provision to meet the waste demands of the site. Therefore, there is nothing before me to suggest that the use of the site would lead to unacceptable levels of rubbish at the site.

Conditions

26. I have imposed standard conditions relating to the commencement of development, and to require compliance with the submitted plans for certainty. I have suggested that materials match those used on the existing building, which is necessary in the interest of the character and appearance of the building and wider area.
27. I have also had regard to the various conditions which have been suggested by the Council. A condition has been suggested which requires the submission and competition of S278 highways works. Such a condition would be required to ensure that works within the highway are acceptable and to enable appropriate vehicular access/crossing into the site in the interest of highway safety.
28. Conditions have been suggested which require details of pedestrian visibility splays and refuse storage. I have consolidated these conditions to require the detail of both to be provided on a proposed site plan for approval. The proposed site plan should also detail parking for the development and along with boundary details. This is detail which appears to be missing from the submission. Such detail is necessary in the interests of highway safety, along with the character and appearance of the area.
29. A condition has been suggested which requires the submission of a Biodiversity Survey Report (BSR) and Preliminary Bat Roost and Nesting Bird Assessment (PBRNBA). This has been suggested on the advice of the Council's Ecologist. However, planning permission has subsequently been approved for a two-storey extension, rooflights and Juliette balconies⁴. The operational development which would affect the external fabric of the building is the same in both schemes. Had there been concerns regarding ecology matters then this would have been a requirement for that application to address also (regardless of the nature of the application type). The extant approval does not require the submission of a BSR or PBRNBA by condition, while the matter was not raised as an issue during consideration of that application. Therefore, the proposed operational development could be carried out, without further consideration of this matter, through the implementation of the extant approval. In such circumstances, it would be unreasonable to require the submission of such detail.

Conclusion

30. For the reasons given above the appeal should be allowed.

D Cleary

INSPECTOR

⁴ 2024/07888/PA